



## POLICY FLASH 2011-18

**DATE:** November 8, 2010

**TO:** Procurement Directors

**FROM:** Director, Policy Division   
Office of Procurement and Assistance Policy  
Office of Procurement and Assistance Management

**SUBJECT:** Public Access to Federal Awardee Performance and Integrity Information System (FAPIS) – FAR Clause 52.209-8 Class Deviation

**SUMMARY:** Attached is a class deviation executed by the Senior Procurement Executives of NNSA and DOE. It allows a deviation to Federal Acquisition Regulation (FAR) clause 52.209-8, Updates of Information Regarding Responsibility Matters (DEVIATION) (OCT 2010). Given the requirements of Public Law 111-212, it is necessary to deviate from use of the current clause. Contracting Officers shall begin using the revised clause in new solicitations and contracts as prescribed at FAR 9.104-7(c).

Also, if a current contract will require information, except past performance reviews, to be posted in FAPIS on or after April 15, 2011, the contracting office shall bilaterally modify existing contract to include the revised clause.

This Flash will be available online at the following website:  
[http://www.management.energy.gov/policy\\_guidance/policy\\_flashes.htm](http://www.management.energy.gov/policy_guidance/policy_flashes.htm).

Questions concerning this policy flash should be directed to the following: for DOE, Barbara Binney at 202-287-1340 or [barbara.binney@hq.doe.gov](mailto:barbara.binney@hq.doe.gov) or for NNSA, Stephen Law at 202-286-4321 or [stephen.law@nnsa.doe.gov](mailto:stephen.law@nnsa.doe.gov).

Attachment